



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT



ARNOLD
SCHWARZENEGGER
GOVERNOR

For Meeting Date: July 9, 2009

Agenda Item No. 13: Report on Reclamation for Species Protection.

INTRODUCTION: The State Mining and Geology Board (SMGB) is authorized to represent the state's interests in the development, utilization, and conservation of the state's mineral resources, the reclamation of mined lands, and federal matters pertaining to surface mining within the state. A general information report on reclamation for species protection will be provided by SMGB Member Benjamin Licari.

REGULATORY STANDARDS: Public Resources Code (PRC) Section 2773 required the SMGB to adopt regulations specifying minimum, verifiable statewide reclamation standards for wildlife habitat. In 1993, the SMGB's established such standards in regulation (California Code of Regulations (CCR) Section 3703) which states:

"Wildlife and wildlife habitat shall be protected in accordance with the following standards:

(a) Rare, threatened or endangered species as listed by the California Department of Fish and Game, (California Code of Regulations, Title 14, sections 670.2 - 670.5) or the U. S. Fish and Wildlife Service, (50 CFR 17.11 and 17.12) or species of special concern as listed by the California Department of Fish and Game in the Special Animals List, Natural Diversity Data Base, and their respective habitat, shall be conserved as prescribed by the federal Endangered Species Act of 1973, 16 U.S.C. section 1531 et. seq., and the California Endangered Species Act, Fish and Game Code section 2050 et seq. If avoidance cannot be achieved through the available alternatives, mitigation shall be proposed in accordance with the provisions of the California Endangered Species Act, Fish and Game Code section 2050 et seq., and the federal Endangered Species Act of 1973, 16 U.S.C. section 1531 et seq.

(b) Wildlife habitat shall be established on disturbed land in a condition at least as good as that which existed before the lands were disturbed by surface mining operations, unless the proposed end use precludes its use as wildlife habitat or the approved reclamation plan establishes a different habitat type than that which existed prior to mining.

(c) Wetland habitat shall be avoided. Any wetland habitat impacted as a consequence of surface mining operations shall be mitigated at a minimum of one to one ratio for wetland habitat acreage and wetland habitat value."



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EXECUTIVE OFFICER'S RECOMMENDATION: The information provided is for the SMGB's general information. No recommendations are being provided by the Executive Officer.

Respectfully submitted:

Stephen M. Testa
Executive Officer

